



# Response to the Independent Review of the Requirement to have Insurance or Indemnity as a Condition of Registration as a Healthcare Professional

The four UK Health Administrations welcome the publication of this report and their joint response to it is set out below.

## **Policy Background**

We believe that, on the rare occasions when patients, the public, and service users suffer harm through negligence on the part of a registered healthcare professional, redress should be available to them.

To further this objective, Government has sought to introduce a requirement for healthcare professionals to have insurance or indemnity cover in place as a condition of their registration with their regulatory body.

## **Background to the Review**

Following discussions with the nursing and midwifery trade unions about the possibility of introducing a new requirement for nurses and midwives to have insurance or indemnity cover in place as a condition of their registration, the previous UK Administration commissioned an independent review of policy on insurance and indemnity cover for health professionals.

The specific purpose of the review was to make recommendations to Government as to whether requiring healthcare professionals to have adequate indemnity cover in place as a condition of their registration was the most cost effective and proportionate means of ensuring that there is a means of seeking redress where a healthcare professional has been negligent.

An independent review group (made up of representatives from regulators, professional bodies, patient/public representatives and other interested parties) was established by the then Secretary of State for Health in England, with the support of Ministers in Northern Ireland, Scotland and Wales to take forward work arising from the Review. The review group was led by Finlay Scott, the former Chief Executive of the General Medical Council.

## **Response to Recommendations**

The response of the four UK Health Administrations to the review group's specific conclusions and recommendations is as follows. For ease of reference these have been grouped into categories.

**Legislative Changes:** (recommendations 1-5, 8-10, and 12-19)

We agree with the principles set out in these recommendations, with particular emphasis on the clarity the report recommends as to the respective powers and duties of both regulatory bodies and healthcare professionals. Provisions should be consistent across health regulation, and introduction of any requirements should not be framed so as to require individual employees to obtain personal cover themselves when they are already covered by corporate or employer cover which is sufficient to ensure redress is available.

Accordingly, legislative changes will be introduced at the next most appropriate opportunity to give effect to these recommendations.

Such legislative changes will be considered in light of any new requirements of the proposed Directive of the European Parliament and of the Council on the Application of Patients' Rights in Cross-Border Healthcare (the EU Directive) which is likely to ensure a mechanism of redress which places responsibility for possession of Cover on providers of healthcare, including individual healthcare professionals acting independently.

We are conscious that the systems of insurance and indemnity, and bodies which potentially could enforce and monitor compliance at a provider level, are different across all four countries. In addition, the Department of Health's White Paper *Equity and Excellence: Liberating the NHS* sets out a package of extensive reforms to the architecture which governs the delivery of healthcare services in England. Therefore, the Department of Health in England is conscious that methods of implementation need to be compliant with these plans as they develop.

The Scottish Government's No Fault Compensation Review Group has recently submitted its report which is currently being considered. However some further work needs to be done around the costs associated with the recommendations before a response is given and before the report is published. Some of its recommendations may well be relevant to consideration of recommendations of the Independent Review.

**Coordination, Cooperation and Communication:** (recommendation 6-7)

We are in full agreement with these recommendations and will draw them to the attention of those bodies concerned. These are clear recommendations which recognise the real need to widen public and professional knowledge about insurance and indemnity. The key to this is clear and co-ordinated messages.

**Public Awareness:** (recommendation 11)

We endorse the recommendation that regulators should consider communicating with the public on the matter of indemnity and insurance and will bring this to the attention of the regulators.

**Market Issues:** (recommendation 20)

We agree with this recommendation and will take forward work on a case-by-case basis where this is appropriate.